സ്ഥിതി" കർഷകന്മാർക്കു നല്ലവണ്ണം മനസ്സിലാകുവാൻ വേണ്ടിയും ഞാൻ ഈ പ്രമേയത്തെ പ്രസ്സു ചെയ്യുന്നു.

Resolution put and negatived.

Mr. T. K. Nayar.—Poll. Sir.

The House divided—Ayes 10, Noes 21 and Neutrals 7.

Ayes.

1	Mr. K Ayyappan	6	Mr. T K Nayar
2	,, A Eachara Menon	7	,, P Kumaran Ezhuthassan
3	,, K M Ibrahim	8	,, K T Mathew
4	,, C N Ittiravi Nambudiri	9	,, T A Ramachandra Ayyar
5	,, P Krishna Menon	10	Dr. K. Sankara Menon.

Noes.

1	Mr. K Achyuta Menon	12	Dr. D Raghavendra Rao
2	,, V K Aravindaksha Menon	13	Mr. M K Raman
3	,, C Barton Wright	14	,, P Raman Menon
4	,, M A Chakko	15	Rama Varmha Tampuran
5	,, M P Cherian	16	Mr. P V Raphael
6	,, M Krishna Menon	17	,, A Sankara Menon
7	,, S S Koder	18	,, A Sankara Poduval
8	,, C J Mathew	19	,, Thomas Manjuran
9	,, I N Menon	20	,, P V Subramania Ayyar
10	,, T Narayana Menon	21	,, P C Varkey
11	,, P Nilakanta Monon		

Neutrals.

1	Mr. K G Nayar	5	Dr. A R Menon
2	Dr. A G Menon	6	Mrs. Swaris
3	Mr. Joseph Pettah	7	Mr. K P Vallon
4	,, Paul Mampilli		

8. Sale of land for recovery of Revenue arrears.

Mr. Joseph Pettah.—Sir, I beg to move.

This Council recommends to the Government that in auction sales of land for recovery of land revenue arrears, only so much land as is reasonably required for the purpose be put up for auction.

This, Sir, is a very necessary measure for protecting the interests of our poor agriculturists. There is plenty of evidence to show that very often much more than what is reasonably required for the payment of land revenue arrears is put up in auction and sold away for some paltry amounts. A perusal of a few issues of the gazette will amply convince one of the reality of the hardship, and of the truth of my statement that there are very many instances wherein large amounts of land are sold for very small amounts. Needless to stay that it is a very hard thing in these days of economic depression, when the brunt of it has fallen upon the poor agricultural classes, that they should be made to sacrifice their lands to a class of people who make it a profession to bid in such auctions. It does not bring any gain to the Government, at the same time it causes untold misery to

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the poor agriculturists. It may be that the cases are not very many. I too admit that their number is not overwhelmingly large. But there is sufficient number of cases as to justify the acceptance of this resolution. I am aware that there are certain difficulties in the way of accepting this recommendation.; and on a previous occasion when the matter was under consideration on the floor of this House,—I think it was in connection with the consideration of the Budget,—certain difficulties were actually put forward by the Leader of the House, difficulties based on technical impracticability and also on fear of fragmentation of holdings. I think these will be the difficulties which may be advanced this time also. In accepting this resolution there may be practical difficulties involved; in other words a little more of labour might be involved. The impracticability consists in further sub-dividing a survey division. I am told that as far as possible only as much land as is necessary is sold, subject to the condition that a single survey division cannot be sub-divided. If a single survey division would suffice, it is the policy of the Revenue Department not to sell anything more than that division. My contention is that if a survey division happens to be a large division,—an acre or two, and if it is sold it will come to a large amount, then that division should be further sub-divided and only a portion of it, which would reasonably suffice for the payment of the land revenue arrears, should be put up in auction; and not the whole division. This will entail the additional work of sub-division. The revenue officers may have a little more work. I grant that. But look at the other evil. We have to choose between two evils. This amount of additional labour—what is it when compared with the hardship, the injustice, that is involved in very many of these cases? Surely a little more of additional labour would be more than justified when we consider the serious hardships which result from the fact that very large tracts are often sold in auction for the realisation of very small arrears of tax. Therefore, for a great good we may adopt a small evil. This additional labour may be gladly undertaken when the beneficial results of such a procedure would be so very great.

As regards the second objection, the fear of fragmentation, that fear, I am afraid, is very much exaggerated. For when a strip of land is marked off from a survey division and put up in auction,—especially under the present method of conducting the auction in the village offices,—very often it is the neighbours that come to bid. Therefore, if this strip is taken away from one plot, it will be added to another economic holding. If there is fragmentation on one side, there is a corresponding consolidation on the other side. This fear of fragmentation, which of course is,

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an evil, is therefore very much exaggerated. The fragmentation on one side is off-set by consolidation on the other.

There is yet another fact, and a more important fact, to be considered in this connection; and it is this. Very often private partitions involve sub-divisions of survey divisions. Throughout Malabar there is a tendency to divide all the various portions of the family property equally among the several members of the family because of the difficulty of other adjustments. These partitions in the majority of cases involve the sub-division of a survey division, and yet the revenue authorities do not feel any difficulty in making such sub-divisions and in granting the necessary *pattas*." Neither the difficulty of impracticability nor the evil of fragmentation are advanced in those cases. There are also private sales of land. A man may sell away a small strip of his property, say 20 cents of land; and in that case also the revenue authorities make the sub-divisions necessary, and grant the separate pattas. I maintain that these cases of partitions and private sales are much more numerous than the Government sales for recovery of land revenue. If, therefore, the difficulty of impracticability and the evil of fragmentation do not hold good in the former case, which is a more numerous case, why should these difficulties hold in the latter case, which is a much less numerous case? We have also to look to the other side; the immense good that would be done to the agriculturists if the resolution is accepted, and the immense hardship they have been suffering, and will continue to suffer if this proposal is not accepted. Hence my request is that necessary modifications may be made in the method of auction sales for arrears of land revenue. I hope this resolution will be accepted by the Hon'ble Members of this House, and I also hope the Government, too would sympathetically find their way to accept it and adopt the practice that is recommended by it.

Mr. A. Sankara Poduval.—I rise to second this resolution. The principle underlying this resolution is generally accepted by Government as we see from the speech of the Revenue Member. The only difference is that it is only by survey units that lands are put up for sale, thereby avoiding sub-divisions of survey numbers already in existence. Either the whole survey number is put up or a survey unit or so much of a sub-division as is necessary should be put up for sale is the question. We want Government to go further and see that even in regard to sub-divisions of a survey number, only so much of any particular sub-division as is necessary should be put up for sale. There can be no great hardship in doing so. The inconvenience is very trifling. We have to bear in mind that in regard to holdings held by different

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people, under a single patta the revenue authorities have the right to recover revenue from any portion of the land. The estate may have been divided in a family partition. The revenue officer looks to the speedy realisation of the revenue and it is a matter of supreme difference to him whether the plot of land sold is of the particular branch that make default in having the tax. This hardship could be relieved against, if the resolution be accepted.

Secondly in the answers given to the interpellations put at the Makaram sitting of the Council, we find that for small arrears of land revenue, *viz.*, of Rs. 16, 18 and 21 rupees, entire plots have been sold whereby the land revenue due to the Sirkar was realised and large surplus amounts kept in deposit to be claimed by the party entitled. That is certainly a great hardship against which the ryots of the present day, struggling under the economic depression are entitled to be relieved. There is absolutely no harm in adopting the course suggested; it may entail a little more trouble on the part of the revenue officers concerned; and in view of the fact that the Government has already accepted the resolution to auction such lands in the village officers, there is a greater chance of their competition at the sales, when small plots are put up for auction, enabling villages of small means, to go and bid. It may not be possible for most villages to go in for auction sales when survey units of land are put up for sale. The prices go higher and higher when competition is keen, so that by virtue of the sale the Government would realise the defaulted revenues and the party will get a higher price for his land. From all these points of view the resolution, I believe, should commend itself to Government, and a little extra inconvenience or trouble necessitated thereby, should in the circumstances of the case, be borne with equanimity. I have, therefore, very great pleasure in seconding this resolution.

Mr. K.G. Nayar.—In supporting the resolution further, I wish to remind the Government of the words of the Hon'ble Law Member who just now gave his views a few minutes back while discussing resolution No. 8. We are all glad to hear that the Chief Court has sent a circular to say that realisation of decree debts by sale of lands should be as far as possible avoided. This resolution in turn seeks only to request the Government to issue a similar circular to one of its limbs to see that as far as possible sale of lands for recovery of land revenue is avoided and only so much of land as is reasonably required for the purpose is put up for auction. This resolution cannot put any hardship on the Government and no Hon'ble Member would request the Government to see that revenue is not collected and allow the defaulters to escape. The very same argument advanced by the Law

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Member may be applied in this case also. I request the Government that they will find their way to accept this resolution.

Mr. K. Achyuta Menon.—Sir, the Government's position has been explained more than once before this. If I take the liberty of once more emphasising the reason it is because I think the seriousness of the resolution demands it. I do not deny that there is some force in the argument and sometimes occasionally more lands are sold than perhaps the arrears of assessment chargeable upon them require. The Hon'ble Mover himself has admitted that such instances are very rare. It does not generally happen in the majority of cases. In the first place the tax upon a piece is infinitesimal compared with the value of the property. The tax upon a land represents only a fraction of the inherent value of the field and it is only one year's tax that is brought into account in the case of these sales, because we are bringing the lands to sale as soon as one year's tax is left in arrears; so that the arrears of tax for which lands are sold represent but a small fraction of the value of the holding. We are giving the defaulters ample opportunities to pay the amount We first issue a notice that the tax is in arrears. We give time to pay the amount. We try to realise it out of his moveables if he has any. It is only in the last resort of his not paying the tax and his not being possessed of moveables that we go against the land itself. Even before the sale is actually effected we prescribe a date for it. Even after the sale we are prepared to take the amount provided it is paid, within a reasonable time. It is only when all the opportunities for payment are not availed of by the defaulter that the last step of going against the properties is taken. Now I would place before the House certain other disadvantages in following the methods suggested by the Hon'ble Members who spoke for the resolution. This is not a new provision. This is followed by almost all the Revenue Department elsewhere. Madras Boards Proceedings No. 468 dated 25th Meenam 1092 runs in similar terms. It is exactly the Madras Rule which we have got here and that for certain fundamental rules of administrative convenience.

Apart from the question of fragmentation of holdings there are other difficulties also in the way. There are grave practical inconveniences in the way. The tax represents a very small sum compared to the value of that survey number. We proceed with one year's tax. What are we expected to do in that matter? Sub-divide that portion of the property which represents the tax. Then the sub-division requires that it should be demarcated. It takes a long time. Let alone the question of time. The Government has to collect its revenue as speedily as possible. If the holding is sub-divided it has to be demarcated with stones. The

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stones have a value. After the lands are demarcated they will have to be advertised for sale. Having demarcated and having advertised for sale suppose the defaulter pays the amount. What are we to do? Erase the sub-division. Now that is one inconvenience which we have to feel. Then, how are we to demarcate it? The underlying assumption in the argument is that every portion of the field has the same fractional value. For instance, if the tax is 4 annas we have to mark off somewhere a portion which corresponds to 4 annas, mathematically. It may not be correct going by the yield of the property. That means we have to embark upon an enquiry and having embarked upon an enquiry there is the contingency that the amount may be paid by the defaulter. That is one thing.

The Hon'ble Mover said that this thing happens in sub-divisions in partition and he was pleased to observe that so far as private sales are concerned they are more numerous than revenue sales.

Mr. Joseph Pettah.—Partition plus private sales.

Mr. K. Achyuta Menon.—My experience—and I believe that my experience will be shared by those who are acquainted with private sales—is that in partition as well as in private sales lands will not have to be sub-divided into very small fractions as is now proposed in the case of revenue sales. I ask the Hon'ble Members who have experience of partition if they have come accross cases of sub-division of lands where the field will come to 1/100 of 1/20 of an acre. Absolutely not. There are practical difficulties in the way. It is not because that I want to avoid extra labour. But there are very serious difficulties in the way of accepting wholesale the proposition put forward. In fact since the question was mooted in this House I have given clear orders that as far as possible it should be seen that no further extent of land is to be sold as a matter for arrears of revenue than the merits of the case demand subject to the requirements of law. I respectfully ask the Hon'ble Members of the House to leave the thing there instead of proceeding to that extent where the potential advantage which is expected to be derived is more than outweighed by the clear inconveniences which have to be suffered by the department.

Mr. A. Eachara Menon.—On a point of information, may I know from the Leader of the House how the extent is calculated so that it may be equal to the amount necessary?

Mr. K. Achyuta Menon.—We put up for sale one revenue field. But to know what portion of the field will represent the tax we will have to find out the yield of the property.

It is not Mathematics. It is something else. We have to find what the yield of the property is and then sub-divide.

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Mr. Paul Mampilli.—I also beg to support this resolution. I do not think the difficulty put forward by the Hon'ble Member for Revenue is so insurmountable. The difficulty put forward is that there will be some waste of energy, and waste of work. I think, compared to the advantages derived by sub-dividing and selling only sufficient area of land, the waste of work or the waste of time so much vehemently pressed by the Hon'ble Member for Revenue is nothing. There is a provision in the Civil Procedure Code and the Chief Court has issued a circular that that provision should be more strictly attended to in these days, that only so much of the land as would be absolutely necessary for the satisfaction of the decree debt should be sold. Now supposing an acre of land is attached in pursuance of a decree for about Rs. 50 and proclaimed for sale, I am sure the court will not sell the whole extent of land for this small sum. Supposing the decree-holder sells only 25 cents of land and a sannad is granted to the decree-holder in pursuance of that sale I am sure the Revenue Authorities will have to grant him a separate patta though the portion sold forms only a portion of the survey number. If the Court issues a sale certificate for that portion and if the Revenue Department can grant a patta, why not the Revenue Department itself do that in their sales. I don't find any insurmountable difficulty in adopting the principle contained in this resolution. The Revenue Department need not calculate to the exact pie in deciding to sell a reasonable portion of the property. The tax on one acre of land in these parts is only about Rs. 12—8—0. Supposing this amount is not paid and supposing that one acre forms one sub-division should the Revenue Department sell this one acre for Rs. 12—8—0? I think it will be a monstrous procedure. The sale of a small portion of this area say a few cents will surely fetch this small sum. Further sub-division need not be made before the sale actually takes place. You can say that 25 cents of a certain portion of the land will be sold. What is the difficulty in doing this? After the sale is effected sub-divide it. What do we do in the case of court sales? We sell a portion of the land. Sannad is given. Sannad is produce before the Revenue Authorities and sub-division is made. In the same manner can't you also do it in the case of revenue sales? The difficulty put forward that sub-division should be made before sale is not a difficulty at all. It is only an excess. I am sure that there is no insurmountable difficulty in accepting the principle of this resolution.

I would also submit that in cases where the land revenue arrears are small the Government should not ordinarily sell the lands at all. They must try first of all to attach some moveables and if that step does not meet the requirements then only they

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should sell the land. In the case of cocoanut gardens I do not think it is difficult to realise the revenue by the attachment and sale of cocoanuts. The amount of one kist may be Rs. 2 or so. If the Pattadar does not pay the instalment why not the Revenue authorities attach the cocoanuts of the next month or if two or three instalments are not paid why not then attach the cocoanuts? I am sure that the yield of an acre of land for one month will bring Rs. 2. If it cannot fetch even Rs. 2 I must say that the tax should not be collected from such land but Government should give a remission. It would be extremely hard I must also add preposterous to collect any money which the land cannot yield. For these reasons, I beg to support this resolution.

Mr. Joseph Pettah.—Sir, as already some of the Hon'ble Members have replied to the points raised by the Leader of the House my task is very much lightened. In the first place I may make just a correction. I never admitted that these cases are so very rare. What I said was that these cases were not overwhelmingly many. I said that the number is sufficient to justify the adoption of such a resolution as this. Even if there are only a few numbers look at the misery involved I think if we sufficiently appreciate the hardships of the people the additional labour which the change entails will be very gladly undertaken by the authorities if their profession of sympathy is not a mere lip-loyalty but if it is heartly felt. What I am afraid is this: On the floor of this House we profess sympathy but this sympathy is not very often actually put into practice.

Another argument advanced was that this system prevails in Madras also. I did not think that the Leader of the House would advance this piece of argument. Very often adopt things after Madras has adopted. We may even admit this is an imitation of Madras. Very many of the practice prevailing here are mere imitations of the practices followed in Madras. That is understood by all. But when the practice is prevalent in so many places should we not in view of the exceptional circumstances make a departure? Suppose there is a measure proposed in Madras. They may say 'Calcutta has not done, Bombay has not done, the Central Provinces have not done and other Indian States have not taken any initiative. Therefore, why should we? Somebody should take the lead, and Cochin so full of sympathy for the miseries and hardship of the people and which has been manifested in other directions should set an example to the other States and they also will begin. It will be a good example for them. They will say "Cochin has done. Why not we do it?" Therefore this argument that there is something in Madras which is similar to this is no argument at all.

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Then comes the argument of difficulties. I never in my life expected the Hon'ble Leader of the House to exaggerate in the fashion he has done the little difficulty that the system entails. What are after all the difficulties? He has said nothing except the difficulties and the additional labour which would be caused to the Revenue Officers and even this labour has been exaggerated in an unnecessary fashion. As the Hon'ble Member for Narakkal has pointed out, this question of laying stones and demarcating boundaries can very well be done when the sale is confirmed so that there is no necessity to go back upon it. There is no labour involved. If that is what is adopted in court sales surely that can be adopted in land revenue sales. The method adopted in the case of private sales is to demarcate the boundaries and patta is given afterwards. The Government can very well say that such a portion, say 20 cents, or such portion of the property is put up for sale and the measuring and demarcation may be made afterwards.

Again the mathematical valuation of the property was another difficulty for the Hon'ble Leader of the House. I shall not call it ridiculous but I should consider it rather a fanciful objection raised by the Leader of the House. We do not want that the value should mathematically correspond to the amount that has to be recovered. It should be a reasonable calculation. There is a good deal of discretion. It may 10 rupees more or 10 rupees less. It does not matter. I don't think it to be an insurmountable difficulty. Therefore the Hon'ble Leader of the House has not succeeded in convincing the House that the difficulties involved in the change are insurmountable or even substantial. There is some difficulty. That we admitted from the very beginning. We admitted that there are certain difficulties in the procedure recommended and the Hon'ble Leader of the House was pleased to say that he would be very glad to undertake that additional work. Then what else is required except that additional work? It is only sub-division that is required. As the Hon'ble Member for Trichur pointed out if this sort of sub-division is made the amount of the bid also might go higher. Considering it from any point of view the only objection is this additional work and this additional work need not be wasted as the Hon'ble Member was pleased to point out.

Therefore, I hope that though the Hon'ble Leader of the House has advanced these arguments nevertheless on second consideration—now that I am morally sure that he must be convinced of the justice, of the reasonableness of the arguments put forward by us and he would not take his word as a commitment made on the floor of the House— he will reconsider his position and Government will kindly find their way to accept this resolution and kindly adopt the change of procedure that is recommended

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by it and I press this resolution to the kind acceptance of the House.

Resolution put and carried.

9. Pay of Typists.

Mr. P. Kumaran Ezhuthassan.—Mr. President, Sir, the resolution that stands in my name reads thus :—

This Council recommends to the Government that Typists in Government service who have put in 10 years' service may be given a pay of Rs. 40—60".

In recommending this resolution to the House, I wish to lay stress upon one or two facts. Ever since the institution of the post of typists as a separate class of officers, a difference had been kept up between the pay of these typists and the lower grade clerks, the typists being always given something higher than clerks of the lower grade. I think the post of typists as such was created in 1083 during the Diwanship of Sir A. R. Banerji and then the pay of the typists was fixed at Rs. 15—25 while the lower grade clerk was paid Rs. 15 the next in grade getting Rs. 15. Then came a revision in 1095 in the days of Sir T. Vijayaraghavacharya and the typists were then given a pay, viz., Rs. 20—30, while the clerk were given Rs. 20 and Rs. 25. Thus we see a difference kept up. A few years hence during the same Diwanship the typists who had put in a certain number of years' service were allowed to draw the maximum, viz., Rs. 30. Then came the period when instead of a general revision in the pay of these typists and clerks some preferential treatment happened to be meted out to certain favoured gentlemen in certain offices, for example, in the Huzur Office and in the office of the Sarvadhikariakar, with the real object of giving higher pay to a few particular individuals or if it was ruled that the typists in these offices would be put on Rs. 25—35—45 and that the Head typist of the Huzur Office is to draw Rs. 60.

Then came the general revision of salaries while passing orders on the recommendations of the Special Finance Committee. Then it was that for the first time, the difference that was kept up during all these days between the pay of the typists and that of the clerks of the lower grade was done away with. Clerks of the lower grade were given Rs. 25—40 and typists were also given the same grade of pay, viz., Rs. 25—40.

Certain questions answered in this House clearly show that typists have to remain as typists for all time. There is no prospect of their promotion as clerks when they reach the maximum of their grade Rs. 40. This answer has been given in this Council by the Hon'ble the Secretary to the Diwan, I believe,

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